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RUEHOT/AMEMBASSY OTTAWA PRIORITY 0787
RUEHPF/AMEMBASSY PHNOM PENH PRIORITY 0701
RUEHUL/AMEMBASSY SEOUL PRIORITY 9640
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 7319
RUEHKO/AMEMBASSY TOKYO PRIORITY 9977
RHMFISS/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY
RHMFISS/DEPT OF JUSTICE WASHINGTON DC PRIORITY
RHMCSUU/FBI WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TAIPEI 000799

SIPDIS

DEPARTMENT FOR PRM/A, INR/IC, P, DRL/MLGA, L/HRR, CA/VO,
DS/CI, EAP/TC

E.O. 12958: DECL: 06/09/2018

TAGS: [PREF](#) [PREL](#) [CVIS](#) [ASEC](#) [PGOF](#) [PINR](#) [PHUM](#) [TW](#) [CH](#)

SUBJECT: TAIWAN RENDERING APPROPRIATE AID TO PRC ASYLUM
SEEKER CAI LUJUN

REF: A.) 07STATE54846 B.) TAIPEI0561

Classified By: AIT Acting Director Robert S. Wang, Reason(s): 1.4 (B/D).

11. (C) PRC citizen Cai Lujun first contacted AIT via email on April 2, 2008. In his email, Cai requested political asylum or refugee status in the U.S. Cai also complained that because the Taiwan immigration authorities forbade him from working, he was in serious financial distress. On April 11, AIT contacted the National Immigration Agency (NIA) to learn more about Cai's case. NIA confirmed that Cai had entered Taiwan illegally in July 2007, had been incarcerated for immigration violations until December 2007, and upon his release had been issued a temporary visitor visa. NIA also confirmed Cai's visa had been extended by three months in March 2008, that financial assistance from Taiwan's Mainland Affairs Council (MAC) was available, and that MAC was actively pursuing asylum options for Cai in other countries. AIT replied to Cai via email on April 16, relating the impression that the Taiwan authorities were responding appropriately to his case. Cai replied by email on April 17, urging AIT to persuade the Taiwan authorities to allow him to work. Cai also claimed he would be unable to find asylum in a third country because he did not hold and would be unable to obtain a valid PRC travel document, and that Taiwan's application to the UNHCR on his behalf would be ignored because Taiwan is not a UN member state. (See Ref B).

12. (C) On May 28, AIT met with MOFA Department of Treaty and Legal Affairs Section Chief Chen Shou-han and Senior Desk Officer Huang Jen-liang to determine the status of Mr. Cai's asylum requests and, if those efforts are ultimately unsuccessful, the chance Mr. Cai might be able to fashion a reasonably normal life in Taiwan.

13. (C) According to Chen, Taiwan currently has five other PRC nationals residing in Taiwan as they await resettlement in a third country. AIT can confirm that several have resided in Taiwan for three years or more. All, like Mr. Cai, have been determined by the Taiwan authorities to be bona fide democracy activists, said Chen. Taiwan does not have an asylum or refugee law, he continued, and therefore cannot offer any form of permanent legal residency status to those seeking asylum or refuge in Taiwan. Accordingly, Cai and the five PRC nationals who preceded him have all been given "temporary" residency status, and this status is automatically extended every three months. Chen assured us that none of the PRC nationals in Taiwan, including Mr. Cai,

were in any danger of repatriation to China. Chen noted that there is a draft asylum/refugee law currently before Taiwan's Legislative Yuan (LY). Although MAC and MOFA are pushing for it to be passed and implemented before next year, there is no way to guarantee this will happen. Until an asylum law is passed, added Chen, PRC asylum seekers will continue to receive automatic extensions to their "temporary" resident status. Until the law is passed, said Huang, Cai and the other PRC nationals cannot be afforded permanent legal status, and they will continue to be precluded from working in Taiwan.

¶4. (C) Referring to Mr. Cai's claims of financial insolvency, AIT asked whether he had approached MAC for financial assistance. Cai has not applied for any financial aid, replied Chen, but if he did, MAC would provide him a monthly stipend of NT\$20,000 (US \$660). Chen added that a decent, one-bedroom apartment in Taipei could be found for approximately NT\$6,000 (US \$200) per month, leaving Cai with approximately US \$460 a month for food, clothing and other necessities. Chen speculated that Cai was probably already working illegally on the local economy, and that the Taiwan authorities would probably "look the other way" as they have done with the other PRC nationals in residency limbo.

¶5. (C) According to Huang, Taiwan representatives submitted an application on Cai's behalf to UNHCR officials in Geneva in September 2007. There has been little progress on Cai's application, Huang continued, because the UN considers Taiwan to be a part of China. Thus, from UNHCR's perspective, Huang explained, Cai is still a resident of the PRC, and technically unable to file a petition for asylum or refugee status from his "home country." Huang requested U.S. assistance in persuading UNHCR to afford Cai refugee status.

¶6. (C) MAC is also preparing to submit an asylum petition to Canadian authorities through the Taiwan representative office in Ottawa. Huang said Cai had instructed MAC to apply to no other countries except Canada, and that MAC was honoring this instruction. The application will be filed with the Canadian authorities by the end of June, added Huang, who agreed to notify AIT when the petition was filed.

¶7. (C) Chen and Huang said the Taiwan authorities would welcome a U.S. decision to extend asylum or refugee status to Cai. We noted that Taiwan had well-established and reliable mechanisms to assist asylum seekers and to protect their rights, and that in such circumstances, it was U.S. policy to allow the "host government" to administer such cases.

¶8. (C) Comment: Based on the foregoing, it is our assessment that the Taiwan authorities have sufficient laws and regulations in place to assure Cai's rights, that there is no evidence to suggest Cai will be forcibly repatriated to the PRC, and that the Taiwan authorities are taking appropriate steps to seek permanent residency for Cai in a third country. We also conclude that, although Cai is not permitted to work legally in Taiwan, it is unlikely that the Taiwan authorities will seek to punish him for sustaining himself through unauthorized employment. End comment.

¶9. ACTION REQUEST: AIT is not planning to take further action on this case, pursuant to USG standard operating guidelines (2 FAM 229.2, 229.3, reftel A par. 36). Please advise if the Department has further guidance.

Bio Information -----

¶10. (SBU) This information was provided to AIT by MOFA: Cai Lujun, male, DOB: August 16, 1968, age 39, married (spouse's name not provided), Chinese ID No. 130105196808161215, Feixiang County, Hebei Province. PRC Address: 101 Unit 3, Building 6, Xishuyuan, Lianmeng Sub-District, Youyi Beida Street, Xinhua District, Shijiazhuang City, Hebei Province. Employment: Hebei Branch Office of Chinese Handicraft Import and Export Company (1984-91), Shenzhen City National Industrial Corporation (1991-94), China Branch Office of

Aravinda (German company) (1997-2003). Imprisonment:
Arrested February 21, 2003 for using the internet to
disseminate materials attacking socialism and endangering
national security, defamatory attacks against the CCP
leadership, and instigating the overthrow of the national
government. Sentenced to three years, and released on March
2, 2006.
WANG